

**CONSOLIDATED CITY OF INDIANAPOLIS
COUNTY OF MARION
STATE OF INDIANA**

EXECUTIVE ORDER NO. 5, 2000

**ESTABLISHMENT OF THE
OFFICE OF CITY-COUNTY PUBLIC ACCESS COUNSELOR**

WHEREAS, an informed citizenry is a vital component of good government, and this administration is committed to having an open and honest City and County government; and

WHEREAS, the many offices, boards, agencies and employees of City and County government, as the custodians of public records, have a special duty to ensure that citizens have easy access to the records and information they have a right to inspect and copy, as provided by Indiana Code Chapter 5-14-3; and

WHEREAS, the many governing bodies of City and County government have a special duty to ensure that their meetings are open at all times for the purpose of permitting citizens to observe and record them, as provided by Indiana Code Chapter 5-14-1.5; and

WHEREAS, ordinary citizens, and in particular those without sufficient resources, should be afforded prompt and effective assistance whenever their access to City and County public records or meetings is denied wrongfully; and

WHEREAS, a public access counselor as established by this Executive Order would be a benefit to the citizens, as well as to the offices, boards, agencies and employees of the City and County in much the same way as the public access counselor for Indiana is a benefit to members of the public and government officials and employees throughout the State;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Indianapolis, Indiana, and as successor-in-interest to the Board of Commissioners of Marion County, Indiana, it is hereby ordered as follows:

1. The Office of the City-County Public Access Counselor hereby is established.
2. The Mayor shall appoint an attorney to act as the City-County Public Access Counselor, who shall serve at the pleasure of the Mayor. The City-County Public Access Counselor shall administer the Office, and, with the approval of the Mayor and subject to established City and County budgetary procedures, shall be provided such facilities, supplies and additional personnel as are necessary to exercise the powers and discharge the responsibilities of the Office as provided herein.

3. The Office of City-County Public Access Counselor shall provide advice and assistance to citizens of Indianapolis and Marion County, other members of the public, and the many offices, boards, agencies and employees of the City and County, concerning issues of public access to City and County public records, and to meetings of the governing bodies of City and County public agencies. In the pursuit and execution of this effort, the City-County Public Access Counselor shall have the following powers and responsibilities:

- a. To develop appropriate programs and materials to educate members of the public and city-county offices, boards, agencies and employees with respect to their legal rights and responsibilities concerning public records and meetings of the governing bodies of public agencies; this effort is particularly important for newly elected, appointed or employed officials, and shall include information on the retention of records, records stored in electronic formats, and any amendments to the relevant statutes or ordinances, as the same may be made from time to time;
- b. To receive questions and complaints by telephone, e-mail or letter and, where appropriate, in person, concerning issues of public access to City and County public records and meetings of the governing bodies of City and County public agencies;
- c. To research and investigate such questions and complaints, and to respond in an informal manner or by the issuance of written advisory opinions, as appropriate; the City-County Public Access Counselor shall provide copies of each written advisory opinion to the Mayor, Corporation Counsel, and the pertinent office, board, agency or employee;
- d. Whenever possible, to negotiate informal settlements of public access disputes between citizens and city or county offices, boards, agencies or employees, that are consistent with relevant statutes and ordinances and are acceptable to the involved parties;
- e. To advise the Mayor and the City-County Council of any necessary or desirable amendments to the Revised Code of the Consolidated City and County concerning issues of public access;
- f. To report to the Mayor whenever, in the opinion of the City-County Public Access Counselor, there is a significant issue of public access that requires the immediate attention of the Mayor;
- g. On or before December 31 of each year, to prepare and submit to the Mayor and the City-County Council a written report that details the work of the Office, and which includes the number, character, and source of questions and complaints received, the number that were resolved and the manner of resolution, the number of advisory opinions issued, and any other significant efforts made during the year; and,
- h. To exercise such other powers and responsibilities with respect to public access issues, as may be directed by the Mayor.

4. It shall be the duty of all City and County offices, boards, agencies and employees to cooperate with the City-County Public Access Counselor in the exercise of his or her powers and responsibilities, and to prove, in any case where access is denied, why a public record should not be disclosed. Further, it shall be the duty of all City and County boards and agencies to consult with the City-County Public Access Counselor before holding any executive sessions.

5. To the extent appropriate and agreeable to all concerned parties, the City-County Public Access Counselor shall cooperate with the public access counselor for Indiana, and coordinate the discharge of his or her responsibilities under parts b., c. and d., above, with that office. The City-County Public Access Counselor shall not exercise any powers or responsibilities concerning any specific public access issue that has been referred to the public access counselor for Indiana absent the latter official's request for assistance, or that is, or becomes, the subject of litigation.

DATED this 3 day of April, 2000.

CONSOLIDATED CITY OF INDIANAPOLIS
AND MARION COUNTY, INDIANA

By: Bart Peterson
Bart Peterson, Mayor

Approved for form and legality:

By: A. Scott Chinn
A. Scott Chinn, Corporation Counsel